

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Karin Smith, <i>individually and as Personal Representative of the Estate of John Wesley Smith,</i>	)	C/A No. 4:19-cv-1801-SAL
	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
Dillon County Sheriff's Office, Micah Chaddie Hayes, <i>individually and as Deputy Sheriff of Dillon County, and Luke Brunson, individually and as Deputy Sheriff of Dillon County,</i>	)	<b>ORDER</b>
	)	
Defendants.	)	
	)	

This matter is before the court for review of the June 1, 2022 Report and Recommendation (the “Report”) of United States Magistrate Judge Thomas E. Rogers, III, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). [ECF No. 72.] The Report recommends granting Defendant’s motion to dismiss for Plaintiff’s failure to prosecute and failure to comply with this court’s orders pursuant to Rule 41 of the Federal Rules of Civil Procedure. The Report sets forth, in detail, the relevant procedural history in this case—reflecting Plaintiff’s repeated noncompliance with the court’s orders—and the court incorporates those facts herein without a recitation. *See* [ECF No. 72 at 1–3.] No party has filed objections to the Report, and the time for doing so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a de novo determination of only those portions of the Report that have been specifically objected to,

and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

The court agrees with the Report’s assessment that dismissal is appropriate in this action. After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 72, and incorporates the Report by reference herein. As a result, Defendant’s motion to dismiss, ECF No. 67, is **GRANTED** and this case is **DISMISSED** with prejudice for failure to prosecute or comply with the court’s orders, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

**IT IS SO ORDERED.**

June 17, 2022  
Florence, South Carolina

/s/Sherri A. Lydon  
Sherri A. Lydon  
United States District Judge